

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: JULY 12, 2021

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
BRENDA WISNESKI, DIRECTOR
DANNY GIOMETTI, SENIOR PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP21-0003 APPROVING AN ADDITION AND REMODEL OF A SINGLE-FAMILY DWELLING, WITH A MINOR SITE DEVELOPMENT PERMIT SDP21-0011(M) TO ALLOW THE EXPANSION OF A NONCONFORMING STRUCTURE AT 33971 NAUTICUS ISLE.

RECOMMENDATION: That the Planning Commission adopt the attached Resolution approving Coastal Development Permit CDP21-0003, and Minor Site Development Permit SDP21-0011(M) (Action Document 1).

APPLICANT: Ron Whitteveen, AIA

OWNER: Anthony and Lorraine Affuso

REQUEST: A request to permit an addition and remodel of a single-family dwelling, as well as connect an existing legal non-conforming detached garage to the main dwelling and allow the expansion of a nonconforming structure.

LOCATION: 33971 Nauticus Isle (APN 672-191-11)

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on July 2, 2021, published within a newspaper of general circulation on July 2, 2021, and posted on July 2, 2021 at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana Point Library.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities) due to the fact that the project consists of an addition to an existing single family developed lot.

ISSUES:

- Project consistency with the Dana Point General Plan, Dana Point Zoning Code (DPZC), and Local Coastal Program (LCP).
- Project satisfaction of all findings required pursuant to the LCP and DPZC for approval of a Coastal Development Permit (CDP) and Minor Site Development Permit (SDP(M)).
- Project compatibility with and enhancement of the site and surrounding neighborhood.

BACKGROUND: The subject site is located near the end of the cul-de-sac along Nauticus Isle within the Niguel Shores community. The 12,457 square foot parcel is bordered by similarly developed single family residential lots to the north, south and east, and the Niguel Shores Community Park and beach access area to the west. The existing single-family dwelling (SFD) is situated on top of a slope and has a direct view of the Pacific Ocean (Supporting Document 2 – Vicinity Map). The lot is zoned Planned Residential 3 (PRD 3) and has an underlying zoning of Residential Single Family 4 DU/AC (RSF 4) on the City's Zoning Map and is designated Residential 3.5-7 DU/AC on the Land Use Policy Diagram in the City's General Plan Land Use Element. Additionally, the lot is located within the Shore Garden tract of Niguel Shores and contains specific setback requirements based on the Niguel Shores development standards.

Existing site improvements include a single-story, 1,371 square foot SFD with a detached, legal non-conforming, 458 square foot, two-car garage, an interior courtyard, and a variety of hardscaping and landscaping scattered throughout the site (Supporting Document 2 – Vicinity Map). The original SFD and garage were constructed in 1972, as a planned residential development prior to Cityhood and the California Coastal Act of 1976. Pursuant to the Development Standards within the Niguel Shores Association Rules and Regulations, the Shore Garden tract is designed with a zero (0) foot southern side yard setback and a three (3) or five (5) foot northern side yard setback which must be maintained. Additionally, the subject property was developed with a detached garage located at the front property line when the current Niguel Shores Development Standards require a twenty (20) foot front yard setback. Therefore, the existing detached garage is considered legal nonconforming as it related to the required front yard setback (Supporting Document 3 – Site Photos).

The site is located within both the City's Coastal Overlay District and the Appeals Jurisdiction of the California Coastal Commission (CCC). Due to the scope of the proposed project and the site's location within the Coastal Appeals Jurisdiction of the CCC, a coastal development is required. A minor Site Development Permit [SDP(M)] is requested to allow an expansion of more than ten (10) percent of the existing gross floor area (GFA) of an existing nonconforming structure.

The public hearing notice for the project application, included a request for an Administrative Modification Standards (AMS). Upon further review the AMS was not required.

DISCUSSION: The project proposes the remodel of- and additions to- the existing SFD, including connecting the existing nonconforming two (2) car garage to the SFD through additions of a 404 square foot bedroom/office and new guest bedroom and a 612 square foot addition of a great room and master bedroom along the back of the home. The renovated SFD would result in a total floor area of 2,845 square feet, and include an enlarged entry and foyer area, an larger kitchen and pantry open to the new great room, a master bed and bathroom with a walk-in-closet, two bedrooms with en-suite bathrooms and walk-in-closets, a laundry room and hall bath.

The SFD is proposed with a 3:12 roof pitch at a total height of 16'-1", measured from the lowest finished pad elevation to top of roof elevation, where the maximum allowable height is 24 feet for structures with a roof pitch of less than 3:12. The exterior proposes a contemporary craftsmen architectural style, incorporating a combination of "light grey" colored sand stucco and stone veneer exterior walls, a standing-seam matte black metal roof, and matte black rain gutters. Openings include matte black trimmed windows, a craftsmen entry door, and a walnut finish garage door. The project also includes the installation of new stone pavers at the driveway, entry court, side, and rear yards as well as a new fire pit. Existing landscape planters and landscaping will remain undisturbed (Supporting Document 4 – Architectural, Hardscape and Landscape Plans).

The Niguel Shores Architectural Committee has also reviewed and approved the conceptual design.

Except for the existing nonconforming two (2) car garage located within the front yard setback, the project complies with all other applicable development standards. Table 1 below summarizes the PRD3 and RSF 4 and General Development Standards (Chapter 9.05 DPZC) applicable to the proposed development.

Table 1: Compliance with Niguel Shores, PRD 3 and RSF 4 Development Standards

Development Standard	Requirement	Existing	Proposed	Compliant with Standard
Maximum Lot Coverage	45% max.	15%	22%	Yes
Maximum Height	24 feet (0-3:12 roof)	16'-4"	16'-1"	Yes
Minimum Front Yard Setback	20 Feet	0 Feet	0 Feet	No
Minimum Side Yard Setback	0 and 5 Feet	0 and 5 Feet	0 and 5 Feet	Yes
Minimum Rear Yard Setback	10-Feet from Top of Slope	21 Feet	10 Feet	Yes
Minimum Landscape Coverage	25% min.	59%	59%	Yes
Parking Required	2 stalls in a garage	(2) 10' x 20' stalls in garage	(2) 10' x 20' stalls in garage	Yes

COASTAL DEVELOPMENT PERMIT

The proposed project includes the addition and remodel of a nonconforming SFD and two (2) car detached garage, and associated hardscape improvements within the appeals jurisdiction of the California Coastal Commission (CCC). These improvements are considered "Coastal Development" pursuant to the DPZC definition in Section 9.75.040. Consequently, the proposed project necessitates a coastal development permit (CDP).

Pursuant to Section 9.69.070 "Basis for Action on Coastal Development Permit Applications" of the DPZC, every Coastal Development Permit requires the following findings:

1. That the proposed development is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code; and,
2. That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water, is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act; and,
3. That the proposed development conforms with Public Resources Code Section 21000 and following and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and,
4. That the proposed development be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources; and,
5. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards; and,
6. That the proposed development be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas; and
7. That the proposed development conforms to the General Plan, Local Coastal Program and Zoning Code.

Staff finds the proposed project is consistent with the basis of approval for a CDP as outlined in Section 9.69.070 of the DPZC. Justification for the abovementioned findings can be made and responses supporting approval of the project based on those findings are detailed in the attached draft Planning Commission Resolution.

MINOR SITE DEVELOPMENT PERMIT (SDP21-0011(M))

The southern corner of the existing detached garage is located at the front property line of the lot and at the furthest point, the garage is 8'-6" from the front property line, where the required setback is 20 feet. As stated earlier, the applicant proposes to connect the existing garage to the dwelling by filling in the existing courtyard area between the two structures.

All portions of the addition are located outside of the required 20-foot front yard setback and will be screened from view by the existing garage. Additionally, there are other garages located within the same Shore Garden tract, some adjacent to the subject property, with reduced or 0-foot front yard setbacks which are connected to the main dwelling.

DPZC Section 9.63.030(a) (Expansion of Nonconforming Structures Conforming as to Use) states that an expansion of more than ten (10) percent of the existing GFA may be approved with a SDP(M). The existing detached garage is nonconforming as it does not meet the minimum required front yard setback of 20-feet and the proposed project includes additions to the garage exceeding 10% of the existing GFA.

Section 9.63.040(b) of the DPZC (Voluntary Demolition of Nonconforming Structures), establishes limits for the willful demolition of nonconforming structures. Those limits state that removal of nonconforming portions of a structure must be reconstructed in compliance with current DPZC regulations. Additionally, if more than 50 percent of the linear length of all walls of a nonconforming structure are voluntarily demolished, then entire structure must be brought in conformance with current Zoning Code requirements. The applicant is not proposing to demolish any walls of the nonconforming garage which follows the provisions of DPZC Section 9.63.040. Since the existing dwelling is conforming as to the required development standards, it is not held to the demolition requirements outlined in Section 9.63.040(b) of the DPZC.

Pursuant to Section 9.71.050 "Basis of Approval, Conditional Approval, or Denial of a Site Development Permit" of the DPZC, the Planning Commission shall make the following findings:

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code; and
2. That the site is suitable of the site for the proposed use and development; and
3. That the project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines; and
4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture; and
5. That the requirements of the California Environmental Quality Act have been satisfied in that the project qualifies as a Class 1 (Section 15301) exemption

pursuant to the applicable provisions of the California Environmental Quality Act (CEQA).

Staff finds the proposed additions to the existing nonconforming garage consistent with the basis of approval of a SDP(M) as outlined in Section 9.71.050 of the DPZC. Justification for the abovementioned findings can be made and responses supporting approval of the project based on those findings are detailed in the attached draft Planning Commission Resolution.

CORRESPONDENCE:

The Niguel Shores Architectural Committee has reviewed and conditionally approved the subject design. To date, no other correspondence has been received.

CONCLUSION:

Staff finds that the proposed project is consistent with the policies and provisions of the City of Dana Point General Plan, Dana Point Zoning Code, and Local Coastal Program. As justifications can be made supporting the requested discretionary actions, staff recommends the Planning Commission adopt the attached draft Resolution, approving CDP21-0003 and SDP21-0011(M) subject to the findings and conditions of approval contained therein.



Danny Giometti, Senior Planner



Brenda Wisneski, Director
Community Development Department

ATTACHMENTS:

Action Documents

1. Draft Planning Commission Resolution No. 21-07-12-XX

Supporting Documents

2. Vicinity Map
3. Site Photos
4. Architectural Plans, Hardscape and Landscape Plans

ACTION DOCUMENT 1: Draft Planning Commission Resolution No. 21-07-12-XX

RESOLUTION NO. 21-07-12-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, FOR COASTAL DEVELOPMENT PERMIT CDP21-0003 APPROVING AN ADDITION AND REMODEL OF A SINGLE-FAMILY DWELLING AND A MINOR SITE DEVELOPMENT PERMIT SDP21-0011(M) TO ALLOW THE EXPANSION OF A NONCONFORMING STRUCTURE at 33971 NAUTICUS ISLE.

The Planning Commission for the City of Dana Point does hereby resolve as follows:

WHEREAS, Anthony and Lorraine Affuso, (the "Owners") are the owners of real property commonly referred to as 33971 Nauticus Isle (APN 672-191-11) (the "Property"); and

WHEREAS, the Owners authorized Ron Witteveen, AIA (the "Applicant") and the applicant caused to be filed a verified application for a Coastal Development Permit and Site Development Permit authorizing a request to permit an addition and remodel of a single-family dwelling, and allow the expansion of a nonconforming structure; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section(s) 15301 (Class 1 – Existing Facilities) because the project includes the addition and remodel of an existing single family developed lot; and

WHEREAS, the Planning Commission did, on the 12th day of July, 2021, hold a duly noticed public hearing as prescribed by law to consider said requests; and

WHEREAS, at said public hearing, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP21-0003 and Minor Site Development Permit SDP21-0011(M).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows:

- A) The above recitations are true and correct and incorporated herein by this reference.

Findings:

- B) Based on the evidence presented, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP21-0003, subject to conditions:

1. That the proposed development is in conformity with the certified

Local Coastal Program as defined in Chapter 9.75 of this Zoning Code **in that except for the existing garage located with the front yard setback, the proposed development is in conformity with the requisite PRD 3, RSF 4 and general development standards within the DPZC as well as the Niguel Shores Development Standards. Additionally, the proposed project will further General Plan Urban Design Element Goal Number 2, which states that development should “preserve the individual positive character and identity of the City’s communities” by renovating the SFD’s exterior, resulting in a design that is compatible and complimentary to new and/or renovated neighboring SFD’s.**

2. That the proposed development, if located between the nearest public roadway and the sea or shoreline of any body of water, is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act **in that the proposed development does not alter existing public access and public recreation areas in the vicinity.**
3. That the proposed development conforms with Public Resources Code Section 21000 and following and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment **in that the project is qualified as Categorically Exempt from review under CEQA pursuant to Section 15301 (Class 1 – Existing Facilities), because the project includes the addition and remodel of an existing single family developed lot in a residential zone on a previously developed lot.**
4. That the proposed development be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that although the project is located within close proximity to the Strands Beach Park stairway, there are additional SFD’s to the south as well as a wrought iron fence with landscaping separating the Niguel Shores community from the adjacent park and recreation area, therefore buffering any areas containing environmentally sensitive habitats or scenic resources from the proposed development.**
5. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that the**

subject site is an previously developed property located within an established residential area, and the proposed improvements will be constructed in conformance with applicable regulations for geological and erosional forces, flood, and fire thereby minimizing undue risks from these or other hazards

6. That the proposed development be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that, the proposed development is located on a previously developed site with the same use with no visually degraded areas and the development includes the expansion of an existing dwelling utilizing updated finish materials and architecture that will be compatible with the surrounding neighborhood.**
7. That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs **in that apart from the existing nonconforming setback of the garage, the proposed project conforms with all other applicable development standards and City regulations regarding the development standards of the Niguel Shores Development Standards, the Planned Residential 3 (PRD 3) and the Residential Single Family 4 (RSF 4) Zoning District, and the Residential 3.5-7 DU/AC designation in the City's General Plan.**

C) Based on the evidence presented, the Planning Commission adopts the following findings and approves Minor Site Development Permit SDP21-0011(M), subject to conditions:

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code **in that, although the existing garage is nonconforming relative to the required front yard setbacks, the subject application requests approval to connect the existing garage to the dwelling through additions totaling more than ten (10) percent of the existing gross floor area, the project conforms with the PRD 3 and RSF 4 Zoning District development standards as well as the Niguel Shores Development Standards.**
2. That the site is suitable for the proposed use and development **in that the existing courtyard is located between the detached garage and the dwelling and within the buildable footprint of the lot. The applicant proposes to connect the nonconforming**

garage to the existing dwelling. This addition, along with the additions along the rear of the home are constructed to the required setbacks for the lot and aside from a update to the exterior of the home, all new structures will be screened from view as seen from Nauticus Isle and therefore are suitable for the proposed use and development.

3. That the project is in compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines in that the proposed improvements fulfill General Plan Urban Design Element Policy 2.1, which states that development should “consider the distinct architectural and landscape character of each community” by applying a modern architectural style to the exterior of the updated which is similar to other properties in the Niguel Shores Community.
4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture in that the proposed additions are sited in accordance with applicable development setbacks and structural design will include shoring appropriate for the site and SFD use and will not require a specific style of architecture.

Conditions:

A. General:

1. Approval of this application permits an addition and remodel of a single-family dwelling, as well as connect an existing legal non-conforming detached garage to the main dwelling and allow the expansion of a nonconforming structure. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan, Local Coastal Program Implementation Plan and Zoning Code.
2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.

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3. The application is approved as a plan for the location and design of the uses, structures, features, and materials, shown on the approved plans. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.
4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
5. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the City's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the applicant or the applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the City's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.
6. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
7. The applicant and applicant's successors in interest shall be responsible

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for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.

8. The construction site shall be posted with signage indicating that construction may not commence before 7:00 AM and must cease by 8:00 PM, Monday through Saturday, with no construction activity permitted on Sundays or Federal holidays.
9. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance.
10. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
11. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, cable television and telephone and services. The applicant is responsible to coordinate any potential conflicts or existing easements.
12. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion and sediment control measures at all times. The applicant shall maintain the erosion and sediment control devices until the final approval of all permits.
13. Prior to the commencement of any work within the public right-of-way, the applicant shall apply and be approved for an encroachment permit.
14. Separate review, approval, and permits are required for:
 - Separate structures
 - Freestanding/Retaining walls
 - Site walls over 3 ft.
 - Fire sprinklers
 - Demolition
15. If any nonconforming portion of the structure is voluntarily removed, that portion shall be reconstructed in conformance with current DPZC requirements.

B. Prior to the issuance of a grading permit the applicant shall meet the following conditions:

16. The applicant shall apply for a grading permit. The proposed scope of work may be processed as a Minor Grading Permit (minimum fee grading permit) per DPMC8.01.060(a) and 8.01.090. The application shall include a grading and drainage plan, in compliance with City standards, for review and approval by the Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies for a Minor Grading Permit Application.
 17. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and geotechnical reports, prior to approval of footing inspection.
 18. The applicant shall submit a geotechnical report for review and approval by the Director of Public Works. All reports shall recommend appropriate mitigation measures and provide a statement of the feasibility or approval of the project from a geotechnical standpoint. All reports shall be completed in the manner specified by the City of Dana Point Municipal Code, the City of Dana Point Grading Manual, and Orange County Grading Manual
 19. A performance bond shall be required for the completion of all grading activities up to 100% of the proposed improvements. The grading and final improvements shall be constructed and approved by Director of Public Works, prior to the issuance of a Certificate of Occupancy.
 20. Separate submittal for review, approval and permits are required for project walls. Separate applications shall be made to the Community Development Department for all project walls. The submittals shall be in accordance with the latest Community Development requirements.
 21. The applicant shall submit a drainage plan addressing the proposed construction in compliance with all City of Dana Point standards for review and approval. The drainage plan shall clearly show all drainage from proposed improvements being directed to an approved outlet.
- C. Prior to building plan check submittal, the applicant shall meet the following conditions:**
22. Building(s) shall comply with the current editions of the Building Code with all local amendments.
 23. Building plan check submittal shall include the following construction documents:

- Building Plans with Electrical/Plumbing/Mechanical plans (4 sets)
- Energy Calculations (2 sets)
- Structural Calculations (2 sets)
- Soils/Geology Report (3 sets)
- Drainage Plan

All documents prepared by a registered-design-professional shall be wet-stamped & signed.

24. Fire Department review may be required. Submit plans directly to the Orange County Fire Authority for their review.
25. Undergrounding of all onsite utilities is required. An Approved SDG&E Work Order and Undergrounding Plan is required prior to permit issuance.
26. Minimum roofing classification is Class "A".
27. Fire-rated Construction: Plans should clearly identify and detail the fire-rated construction for any construction due to close proximity to the property line.
28. Separate review, approval, and permits are required for separate structures.
29. Soils Report (1803): Submit a foundation and soils investigation report by a Registered Design Professional and conducted in conformance with CBC Section 1803.3 through 1803.5. The report shall comply with CBC Section 1803.6.
30. Foundation system to provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w/c ratio of 0.45, f_c of 4500 psi.
31. Green Building: Plans shall show compliance & indicate method of verification of compliance with all CAL Green requirements. Third party or other methods shall demonstrate satisfactory conformance with mandatory measures.

D. Prior to issuance of a building permit or release on certain related inspections, the applicant shall meet the following conditions:

32. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved

grading plans and reports.

33. The applicant shall submit a rough grade certification from the Geotechnical Engineer/Engineering Geologist of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the geotechnical engineer (standard Geotechnical Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in conformance with the recommendation of the project geotechnical report approved grading plan from a geotechnical standpoint. An as-drilled report addressing the proposed shoring shall also be submitted (with the rough grade certification) documenting the geotechnical aspects of the shoring.
34. An as graded geotechnical report may be prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of all field density testing, depth of reprocessing and recompaction, as well as a map depicting the limits of grading. Locations of all density testing, restricted use zones, settlement monuments, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading of the site, including associated appurtenances, as being completed in conformance with the recommendations of the preliminary geotechnical report and all addenda.
35. Prior to commencement of framing, the applicant shall verify, by survey, that the structure will be constructed in compliance with the dimensions shown on plans approved by the City, from finish wall materials to property-lines included as part of these entitlements. The City's standard "Setback Certification" form shall be obtained from the Project Planner and be prepared by a licensed civil engineer/surveyor and shall be delivered to the City of Dana Point Building/Safety and Planning Divisions for review and approval.
36. Prior to release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of the structures and any encroachments above the height limit are in compliance with plans approved by the Planning Commission and the structure heights included as part of this entitlement. The City's standard "Height Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval before release of final roof sheathing is granted.
37. Approvals are required from:

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- Planning Department
 - Public Works
 - Obtain Orange County Fire Authority Approval
 - Obtain "Will Serve" letter from Water District.
 - Provide an SDG&E service work order for proposed service location
38. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.
39. A separate erosion control plan shall be included in the project plans. The erosion control plan shall address the potential erosion and sediment loss for the proposed hillside development.
- E. Prior to the issuance of a certificate of occupancy, the applicant shall meet the following:**
40. All landscaping and irrigation shall be installed per the approved final landscape and irrigation plan. A State licensed landscape architect shall provide the "Landscape Installation Certificate of Completion" form to the Director of Community Development and the requisite documents (irrigation scheduling parameters, landscape and irrigation maintenance schedule, irrigation audit report, and soil analysis report if not submitted at permit issuance) as required in the Submittal Requirements and Guidelines for Implementation of the Chapter 9.55 of the DPZC.
41. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
42. Verification of all conditions of approval is required by all City Departments.
43. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
44. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
45. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction of line and grade for all engineered drainage devices and retaining walls.
46. All permanent BMP's, including landscaping, shall be installed and approved by either the project Landscape Architect or the Civil Engineer of Record.

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47. All approvals from outside Departments and Agencies (i.e. Fire Department) is/are required.
48. The applicant shall contact both the Planning Division and Public Works & Engineering Services to schedule a final inspection prior to building final project sign-off.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 12th day of July, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eric Nelson, Chair
Planning Commission

ATTEST:

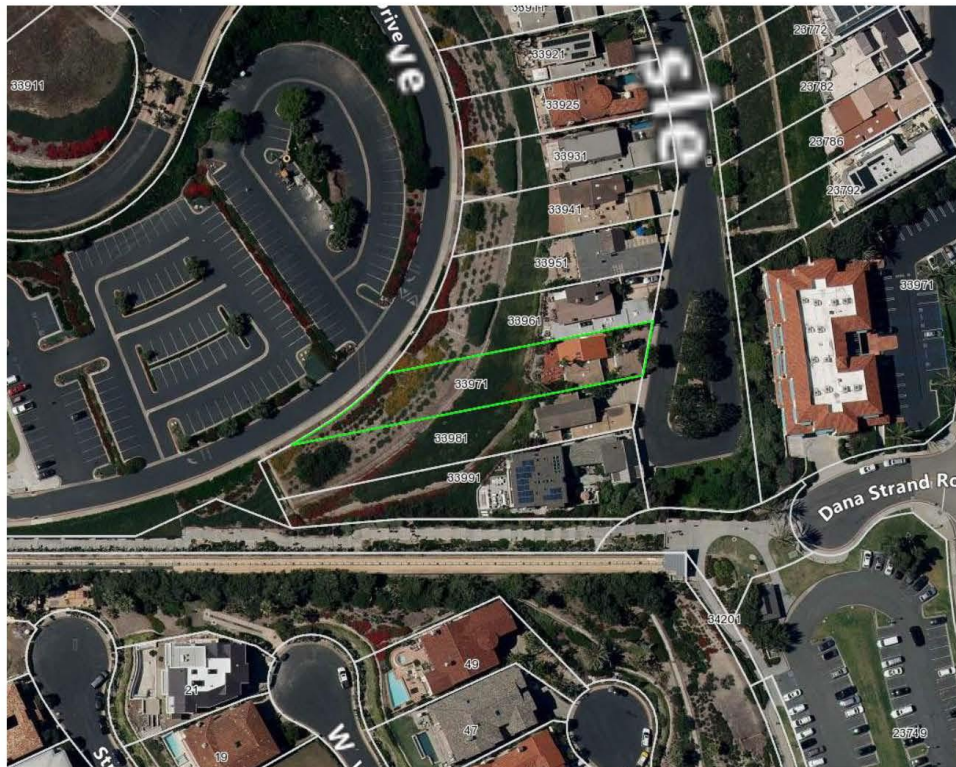
Brenda Wisneski, Director
Community Development Department

SUPPORTING DOCUMENT 2: Vicinity Map



City of Dana Point
CDP21-0003; SDP21-0011; 33971 Nauticus Isle
Danny Giometti, Senior Planner
Community Development Department
33282 Golden Lantern
Dana Point, CA 92629-1805

VICINITY MAP



Project: CDP21-0003; SDP21-0011

Applicant: Ron Whitteveen, AIA

Location: 33971 Nauticus Isle



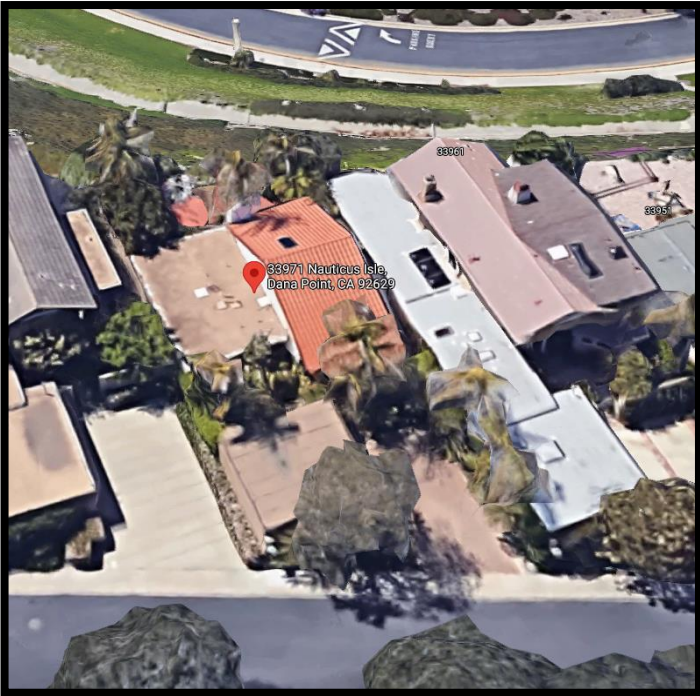
SUPPORTING DOCUMENT 3: Site Photos

ATTACHMENT

SITE PHOTOS – 33971 Nauticus Isle

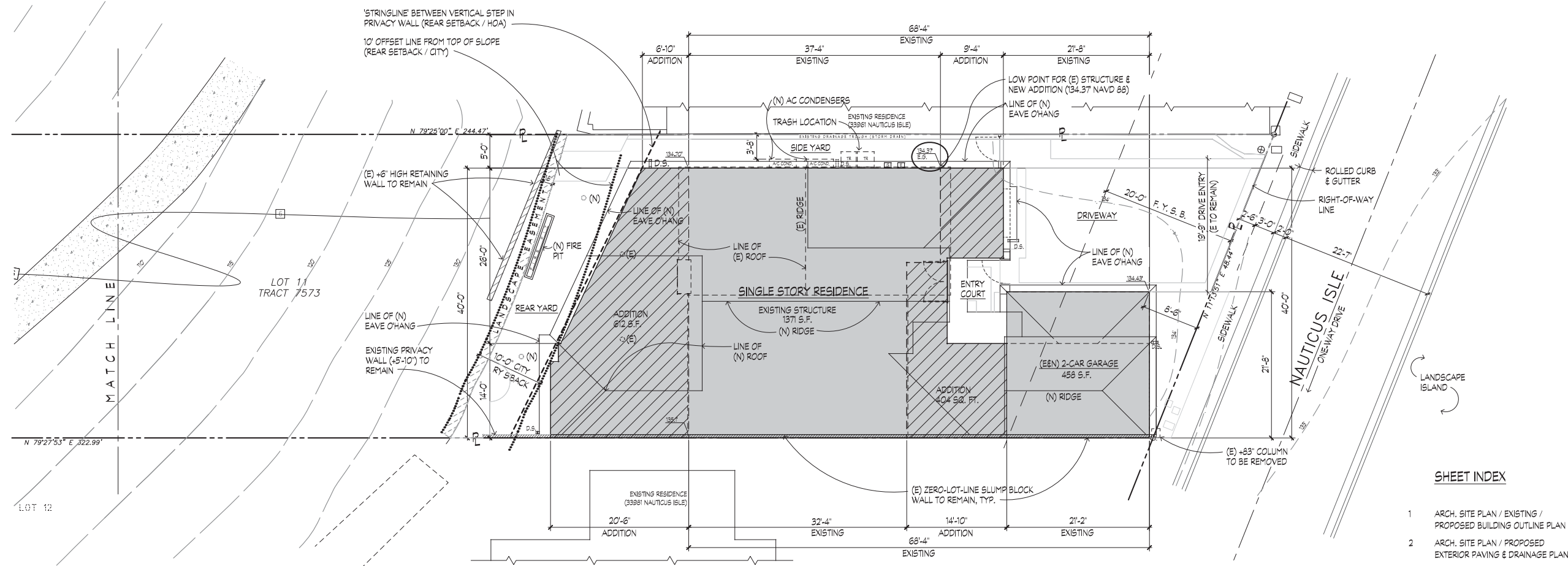


City of Dana Point
CDP21-0003; SDP21-0011; 33971 Nauticus Isle
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Dana Point, CA 92629-1805



SUPPORTING DOCUMENT 4: Architectural Plans, Hardscape and Landscape Plans

ATTACHMENT



ARCHITECTURAL SITE PLAN - EXISTING / PROPOSED BUILDING OUTLINE PLAN (EAST PORTION)

DEVELOPMENT STANDARD TABLE / HOA

PROJECT TO COMPLY WITH NIGUEL SHORES COMMUNITY ASSOCIATION RULES AND REGULATIONS / GUIDELINES FOR ALL PROPERTIES. TRACT 7573 TO COMPLY WITH RULES AND REGULATIONS FOR THE 'SHORES GARDEN HOMES'.

	EXISTING	PROPOSED	CODE REQUIREMENT / HOA
FRONT SETBACK	0' (25' TO PRIM. STRUCT.)	0' (20' TO PRIM. STRUCT.)	25'
SIDE SETBACK	5'-0" & 0'-0"	5'-0" & 0'-0"	5'-0" & 0'-0"
REAR SETBACK	21' FROM TOP OF SLOPE & (> 100' FROM P.L.)	10' FROM TOP OF SLOPE & (> 100' FROM P.L.)	10' FROM TOP OF SLOPE & 'STRINGLINE' FROM VERT BREAK IN GARDEN WALL
ROOF CHANG SETBACK	4'-0"	4'-0"	3'-0" MIN.
BLDG. HEIGHT	16'-4"	16'-1"	CANNOT EXCEED EXISTING BLDG HT.

DEVELOPMENT STANDARD TABLE / PRD 3 / RSF4

	EXISTING	PROPOSED	PRD 3 / RSF4 REQUIREMENT
FRONT SETBACK	0' (25' TO PRIM. STRUCT.)	0' TO GARAGE / 20' TO PRIM. STRUCT.)	0' TO GARAGE / 20' TO PRIM. STRUCT.)
SIDE SETBACK	5'-0" & 0'-0"	5'-0" & 0'-0"	10' AGGREGATE
REAR SETBACK	21' FROM TOP OF SLOPE & (> 100' FROM P.L.)	10' FROM TOP OF SLOPE & (> 100' FROM P.L.)	15'
BLDG. HEIGHT	16'-4"	16'-1" MAX. 3:12 PITCH ROOF	35'

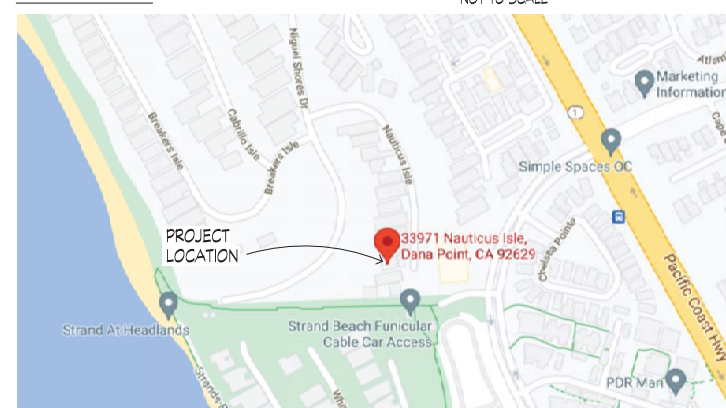
SCOPE OF WORK

MAJOR REMODEL & ADDITION OF EXISTING 2 BED / 2 BA SINGLE STORY RESIDENCE TO BECOME 3 BED / 3 BA SINGLE STORY RESIDENCE. PROPOSED RESIDENCE TO DEMOLISH LESS THAN 50% OF EXISTING WALLS & KEEP HIGHEST POINT OF ROOF BELOW EXISTING ROOF HEIGHT.

SHEET INDEX

- 1 ARCH. SITE PLAN / EXISTING / PROPOSED BUILDING OUTLINE PLAN
- 2 ARCH. SITE PLAN / PROPOSED EXTERIOR PAVING & DRAINAGE PLAN
- 3 PROPOSED FLOOR PLAN
- 4 PROPOSED ROOF PLAN
- 5 EXISTING ELEVATIONS
- 6 PROPOSED ELEVATIONS
- 7 COURT ELEVATIONS & BUILDING SECTIONS
- 8 EXISTING TO REMAIN / DEMOLITION PLAN
- L-1 LANDSCAPE PLAN
- TP-01 TOPO SURVEY (FOR REFERENCE ONLY)

LOCATION MAP



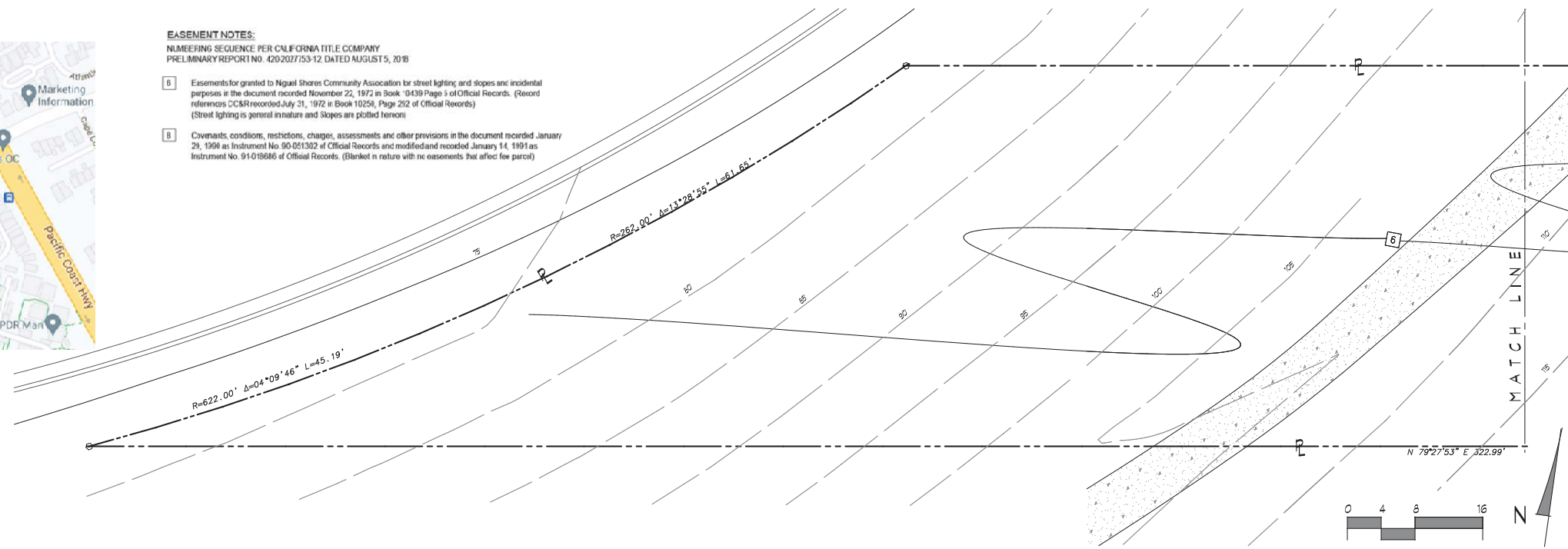
PROJECT DATA TABLE

ZONING:	RSF4 / PRD3
LOT AREA:	12,457 S.F.
LEGAL:	TRACT 7573, LOT 11, BOOK 302
APN:	672-191-11
YEAR BUILT:	1972
EXISTING HOUSE G.F.A.:	1371 S.F.
PROPOSED HOUSE G.F.A.:	2411 S.F.
EXISTING / PROPOSED GARAGE G.F.A.:	458 S.F.
TOTAL PROPOSED AREA INC. GARAGE:	2845 S.F.
MIN. LANDSCAPE (25%):	7407 / 12,457 = 59%, COMPLIES
MAX. LOT COVERAGE (45%):	2845 / 12,457 = 22%, COMPLIES

EASEMENT NOTES:

NUMERICAL SEQUENCE PER CALIFORNIA TITLE COMPANY PRELIMINARY REPORT NO. 420207753-12 DATED AUGUST 5, 2018

- Easements for granted to Niguel Shores Community Association for street lighting and slopes and incidental purposes in the document recorded November 22, 1972 in Book 0438 Page 5 of Official Records. (Record references CCS&R recorded July 31, 1972 in Book 10258, Page 252 of Official Records) (Street lighting is general in nature and Slopes are plotted herein)
- Covenants, conditions, restrictions, charges, assessments and other provisions in the document recorded January 29, 1999 as Instrument No. 90-051302 of Official Records and modified and recorded January 14, 1991 as Instrument No. 91-019686 of Official Records. (Blanket in nature with no easements that affect fee parcel)



ARCHITECTURAL SITE PLAN (WEST/NON-BUILDABLE PORTION)

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Niguel Shores Community Association
Property Owners: Lorraine and Tony Affuso Residence
33971 Nauticus Isle Dana Point, Ca. 92629
Planning / CDP submittal

Lot 11, Tract 7573

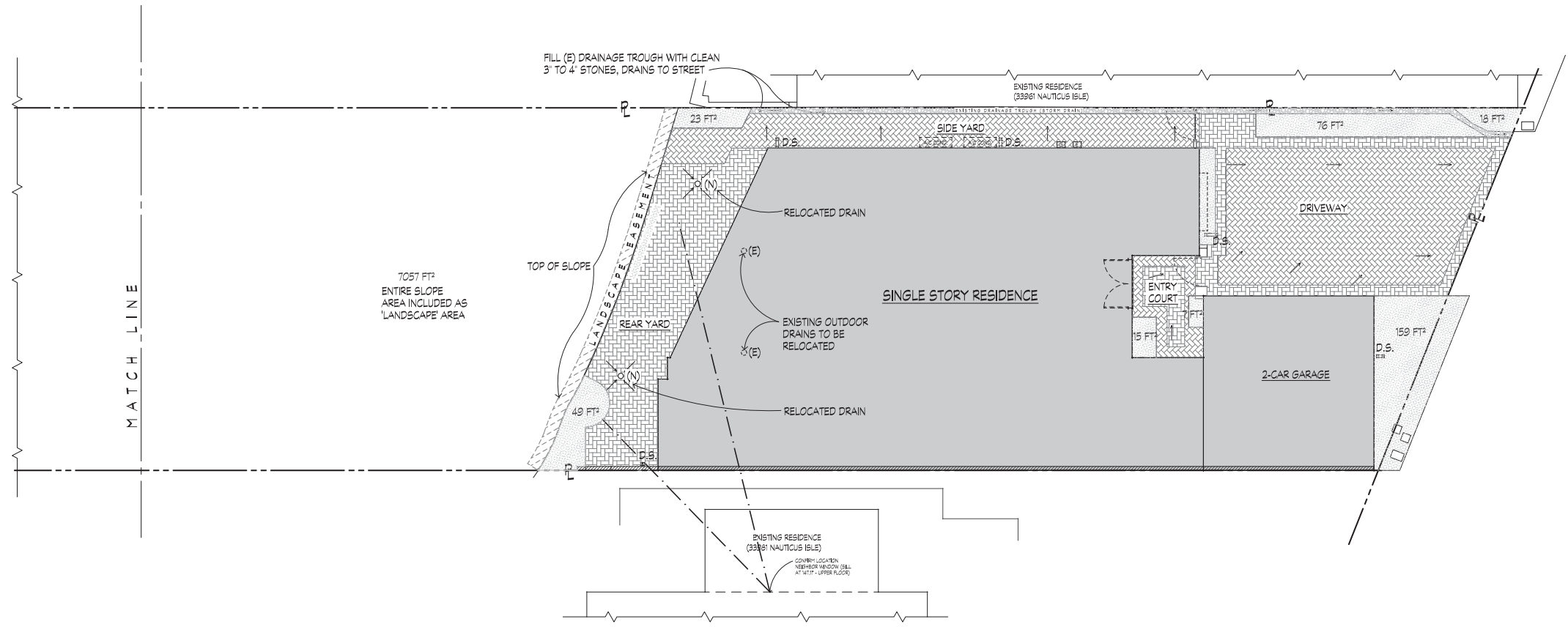
DATE OF THIS PLAN: 6/10/2021



ARCH. SITE PLAN -
EXISTING / PROPOSED
BUILDING OUTLINE PLAN

SHEET NUMBER

1

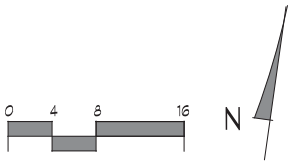


SITE PLAN - EXTERIOR PAVING & DRAINAGE PLAN

REFER TO SHEET L-1 FOR LANDSCAPE
INFORMATION NOT SHOWN HERE

REFER TO SHEET 1 / PROJECT DATA
TABLE FOR MINIMUM / MAXIMUM
COVERAGE REQUIREMENTS

- LEGEND**
- DIRECTION OF WATER FLOW
 - (E) EXISTING AREA DRAIN TO BE RELOCATED
 - (N) NEW (RELOCATED) 8" AREA DRAIN (TIE INTO EXISTING)
 - |||| D.S. DOWNSPOUT TO GRADE



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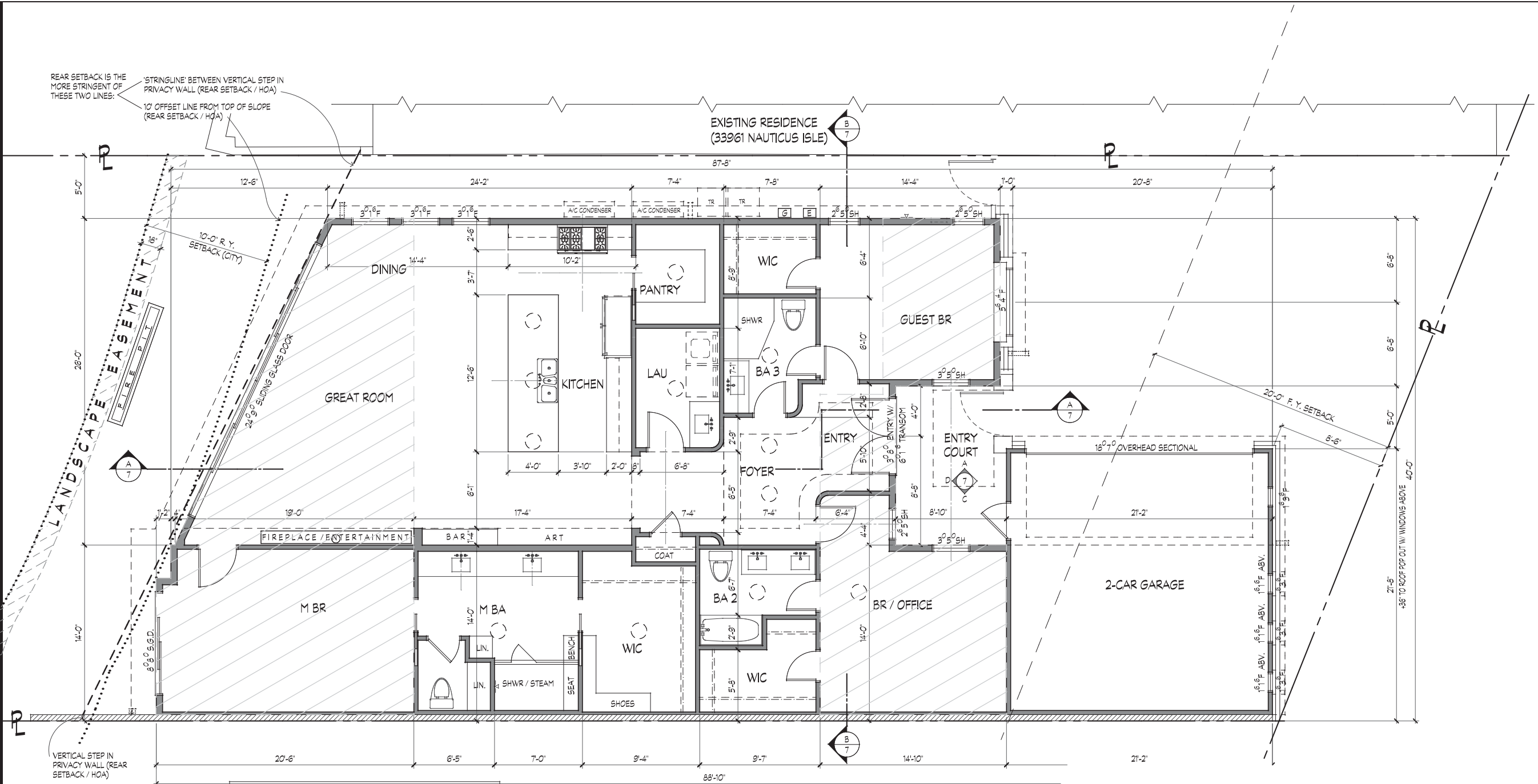
Lot 11, Tract 7573

DATE OF THIS PLOT: 6/10/2021



SITE PLAN -
EXTERIOR PAVING
& DRAINAGE

SHEET NUMBER



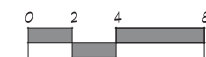
PROPOSED FLOOR PLAN

AREA SUMMARY:

EXISTING HOUSE G.F.A.:	1371 S.F.
PROPOSED HOUSE G.F.A.:	2411 S.F.
EXISTING / PROPOSED GARAGE G.F.A.:	458 S.F.
TOTAL PROPOSED AREA INC. GARAGE:	2845 S.F.

LEGEND:

DESIGNATES AREA OF ADDITION



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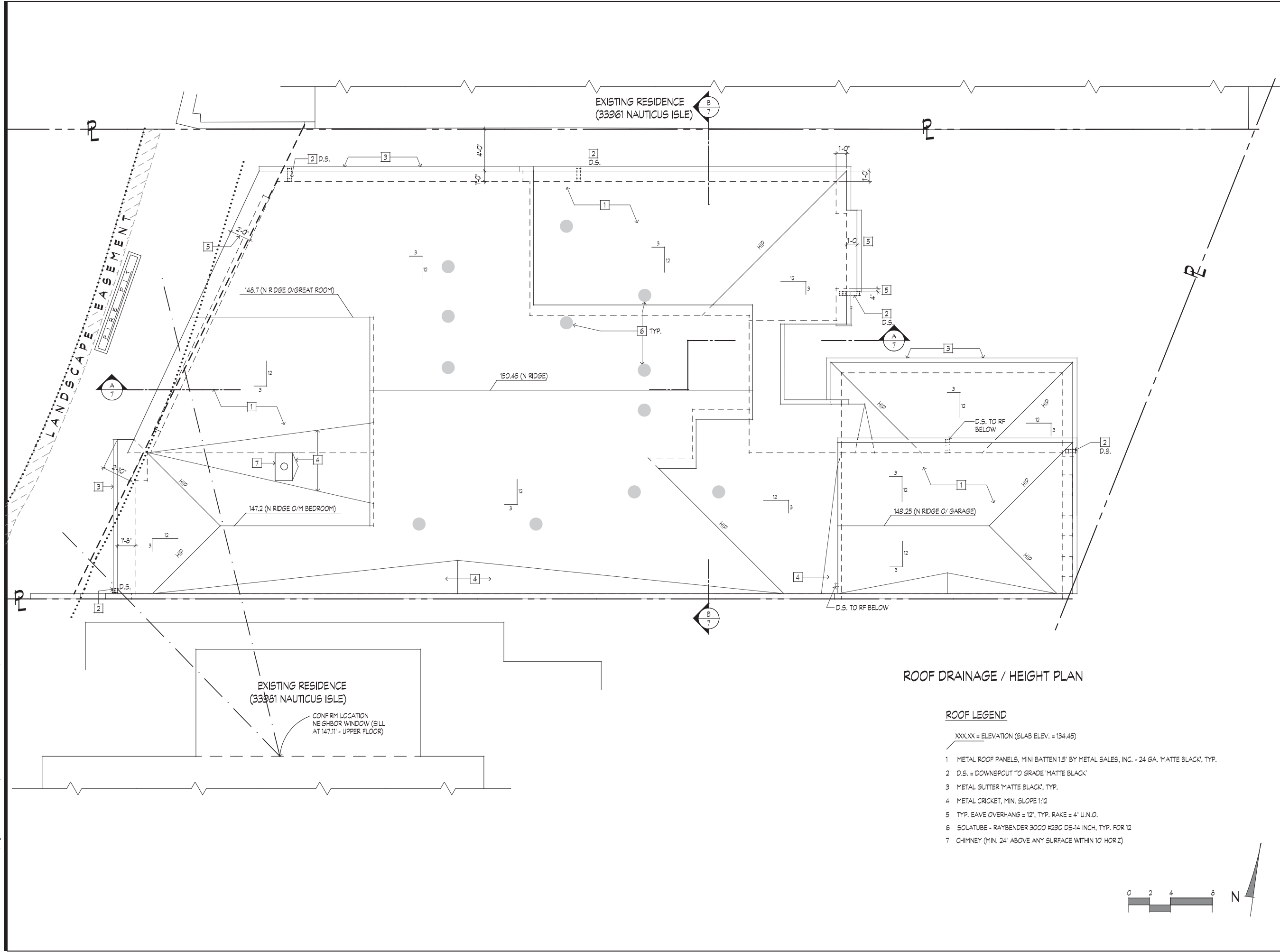
DATE OF THIS PLOT: 6/7/2021



PROPOSED
FLOOR PLAN

SHEET NUMBER

3



ROOF DRAINAGE / HEIGHT PLAN

ROOF LEGEND

- XXXXXX = ELEVATION (SLAB ELEV. = 134.45)
- 1 METAL ROOF PANELS, MINI BATTEN 1.5" BY METAL SALES, INC. - 24 GA. 'MATTE BLACK', TYP.
 - 2 D.S. = DOWNSPOUT TO GRADE 'MATTE BLACK'
 - 3 METAL GUTTER 'MATTE BLACK', TYP.
 - 4 METAL CRICKET, MIN. SLOPE 1:12
 - 5 TYP. EAVE OVERHANG = 12", TYP. RAKE = 4" U.N.O.
 - 6 SOLATUBE - RAYBENDER 3000 #280 DS-14 INCH, TYP. FOR 12
 - 7 CHIMNEY (MIN. 24" ABOVE ANY SURFACE WITHIN 10' HORIZ)



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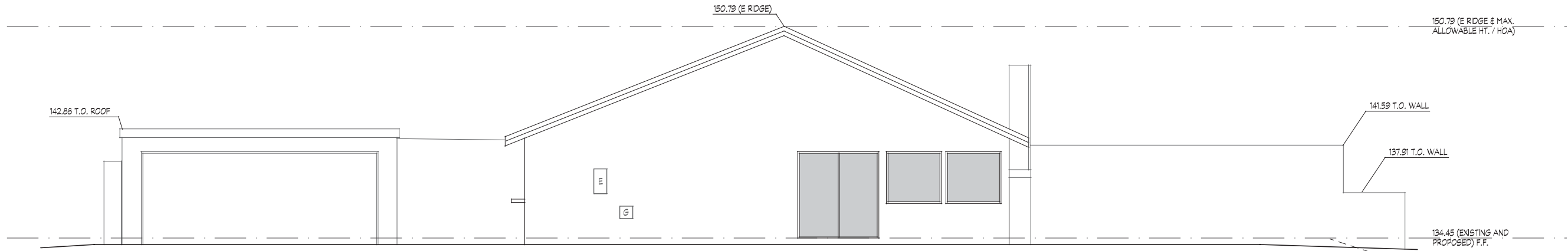
DATE OF THIS PLOT: 6/7/2021



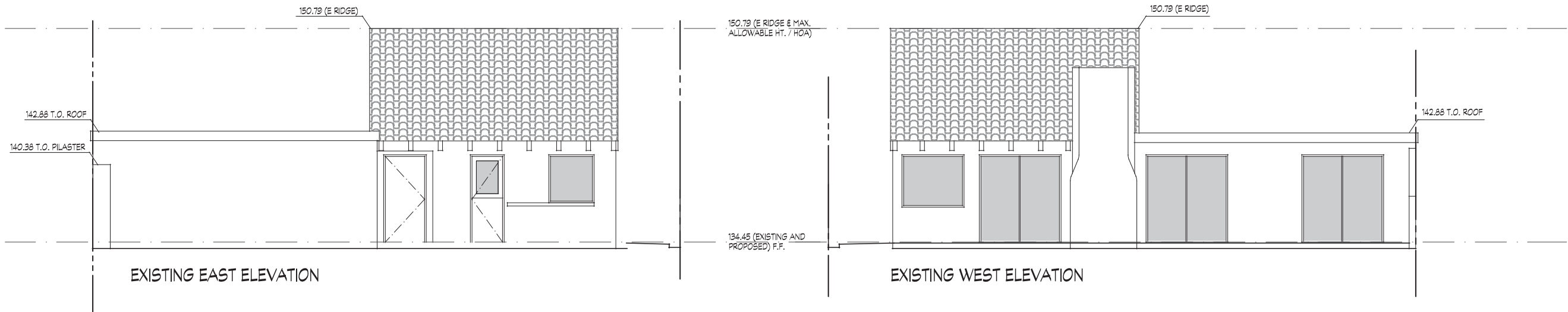
ROOF DRAINAGE /
HEIGHT PLAN

SHEET NUMBER

4

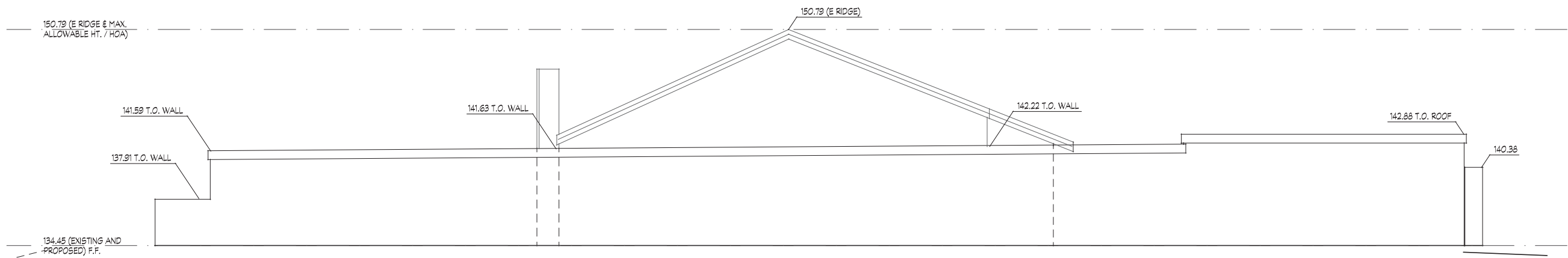


EXISTING NORTH ELEVATION

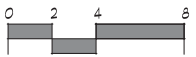


EXISTING EAST ELEVATION

EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION



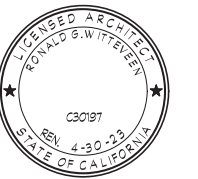
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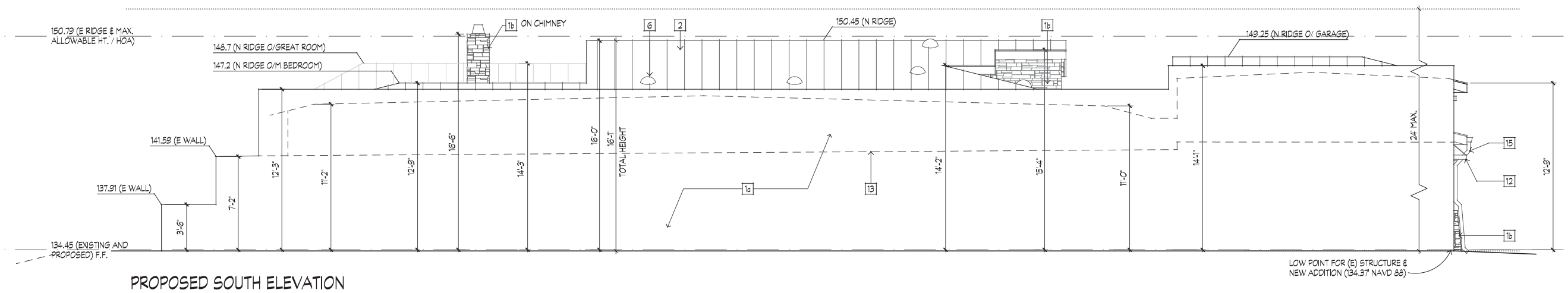
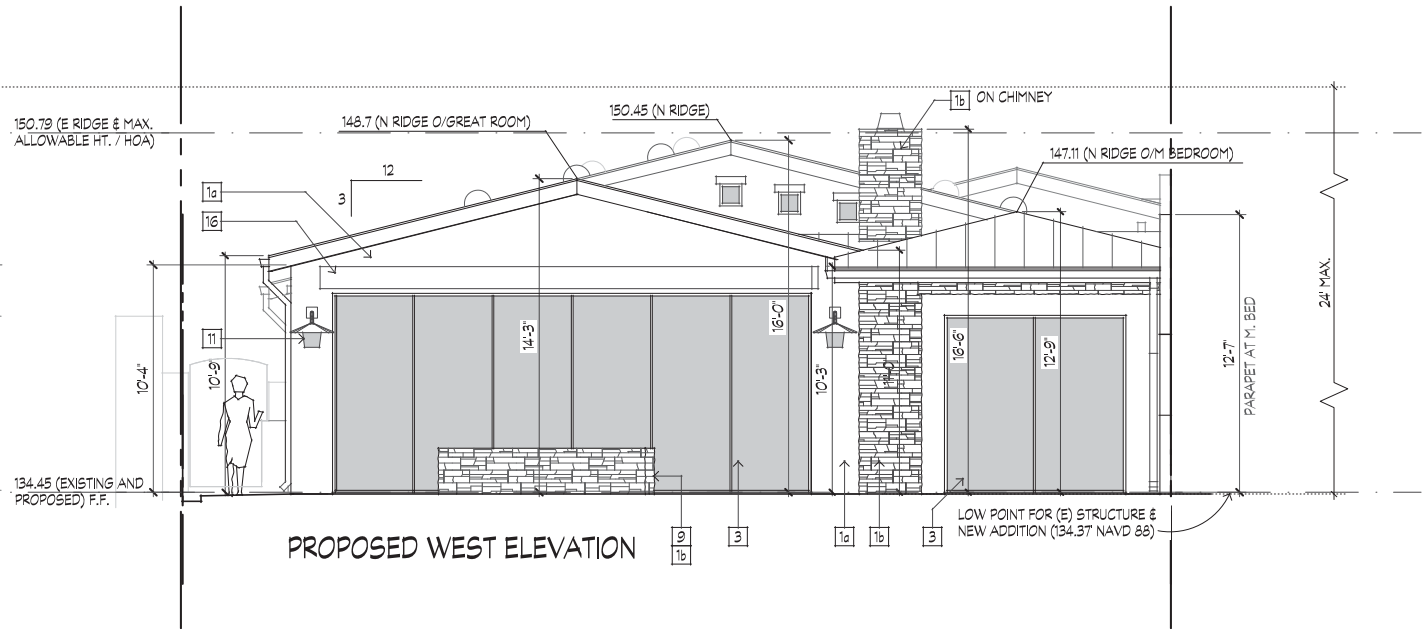
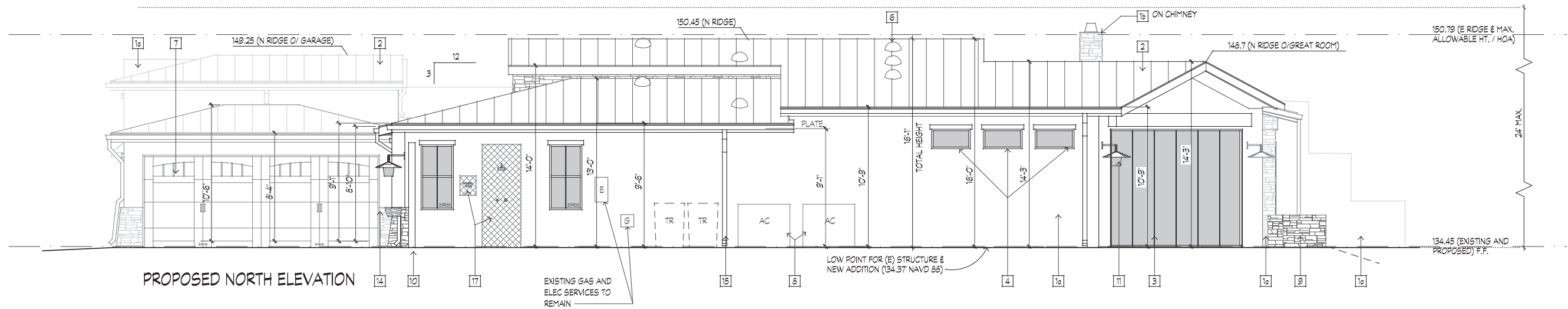
DATE OF THIS PLOT: 6/7/2021



EXISTING
ELEVATIONS

SHEET NUMBER

5

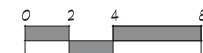


FINISH LEGEND

- | | |
|---|--|
| 1 EXTERIOR FINISH WILL BE 2 PRIMARY MATERIALS:
a STUCCO - LAHABRA 20/30 SAND FLOAT FINISH - TITANIUM (LIGHT GREY)
b STONE / CORONADO HONEY LEDGE HURON | 9 GAS FIREPIT - 6" C.M.U. BUILT ON SITE (9 FT L. X 2 FT. W. X 18" H. / FINISH W / 1 b)
10 PACIFIC GATE WORKS - ARCH TOP (ENTRY GATE - 42"x74", SIDE YARD GATE - 42" X 68")
11 OUTDOOR LIGHT FIXTURES - LED - PROGRESS LIGHT P5750
12 BRUSHED ALUMINUM SHADE, MATTE BLACK (THIS WINDOW ONLY)
13 LINE OF EXISTING TOP OF SLUMP STONE 'GARDEN' WALL
14 DECORATIVE WOOD CORBEL / WOOD TRIM
15 METAL ROOF GUTTER AND DOWNSPOUT, MATTE BLACK
16 ELECTRONICALLY CONTROLLED SHADE, METAL SURROUND / MATTE BLACK
17 DECORATIVE TILE (WHITE) AT OUTDOOR SHOWER / NICHE |
| 2 ROOFING - MINI BATTEN 1.5" BY METAL SALES, INC. - 24 GA. 'MATTE BLACK' / 16" SPACING
3 SLIDING WINDOW WALLS - LACANTINA WOOD CLAD 'SOLAR GREY' GLAZING
4 WINDOWS - MILGARD FIBERGLASS - ULTRA SERIES 'SOLAR GREY' GLAZING / THERMALLY BROKEN
5 ENTRY DOOR - MASONITE FIBERGLASS - CRAFTSMAN HERITAGE WITH TRANSOM
6 SOLATUBE - RAYBENDER 3000 #290 DS-14 INCH
7 GARAGE DOOR - CANYON RIDGE 18FT WIDE-ULTRA GRAIN WALNUT FINISH
8 HVAC TRANE CONDENSING UNIT #4TTL6060, 70 DECIBEL | |

DATUM NOTE

150.45 ELEVATIONS EXPRESSED IN DECIMAL
FORMAT ARE NAVD 88 (NORTH
AMERICA VERTICAL DATUM)



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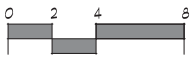
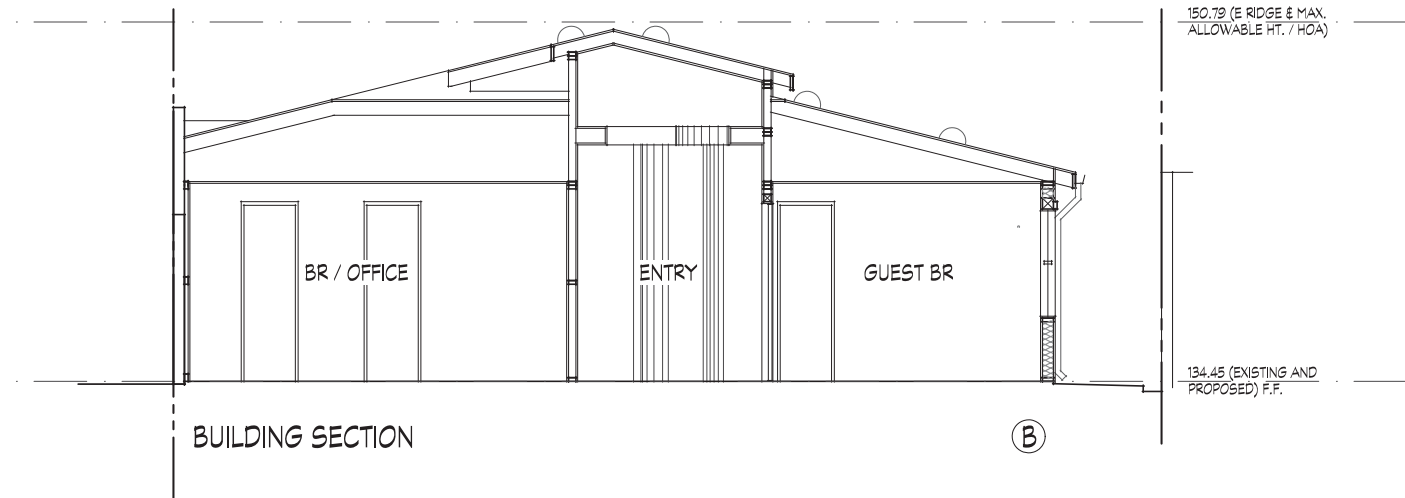
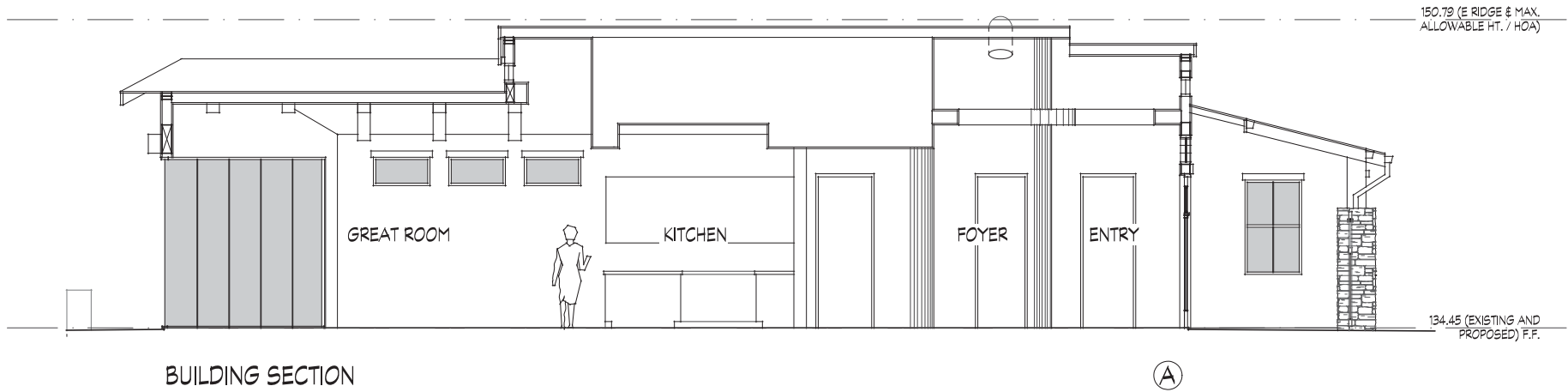
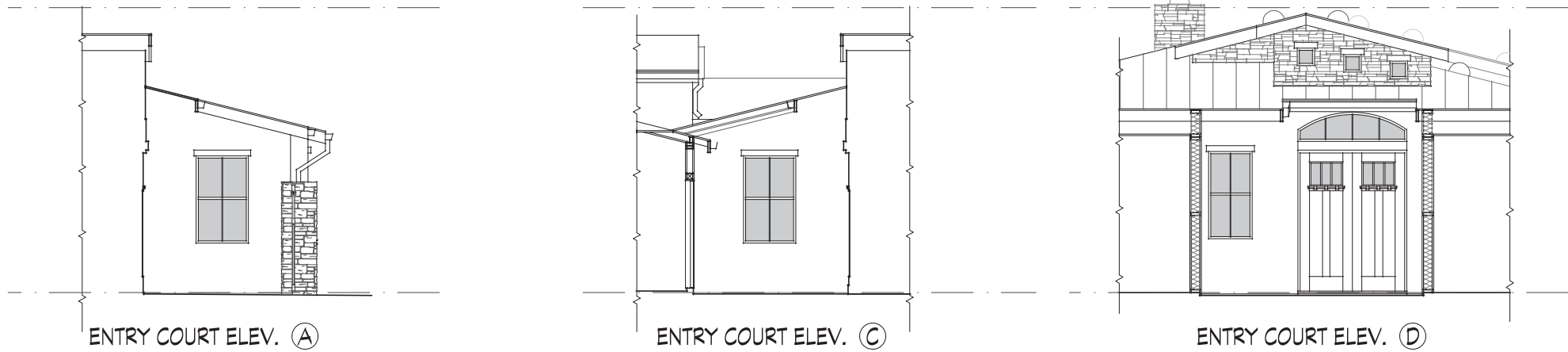
Lot 11, Tract 7573
DATE OF THIS LOT: 6/7/2021



PROPOSED
ELEVATIONS

SHEET NUMBER

6



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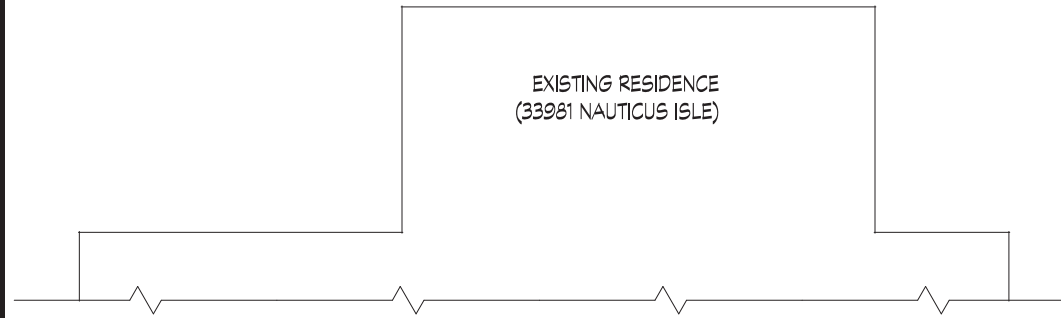
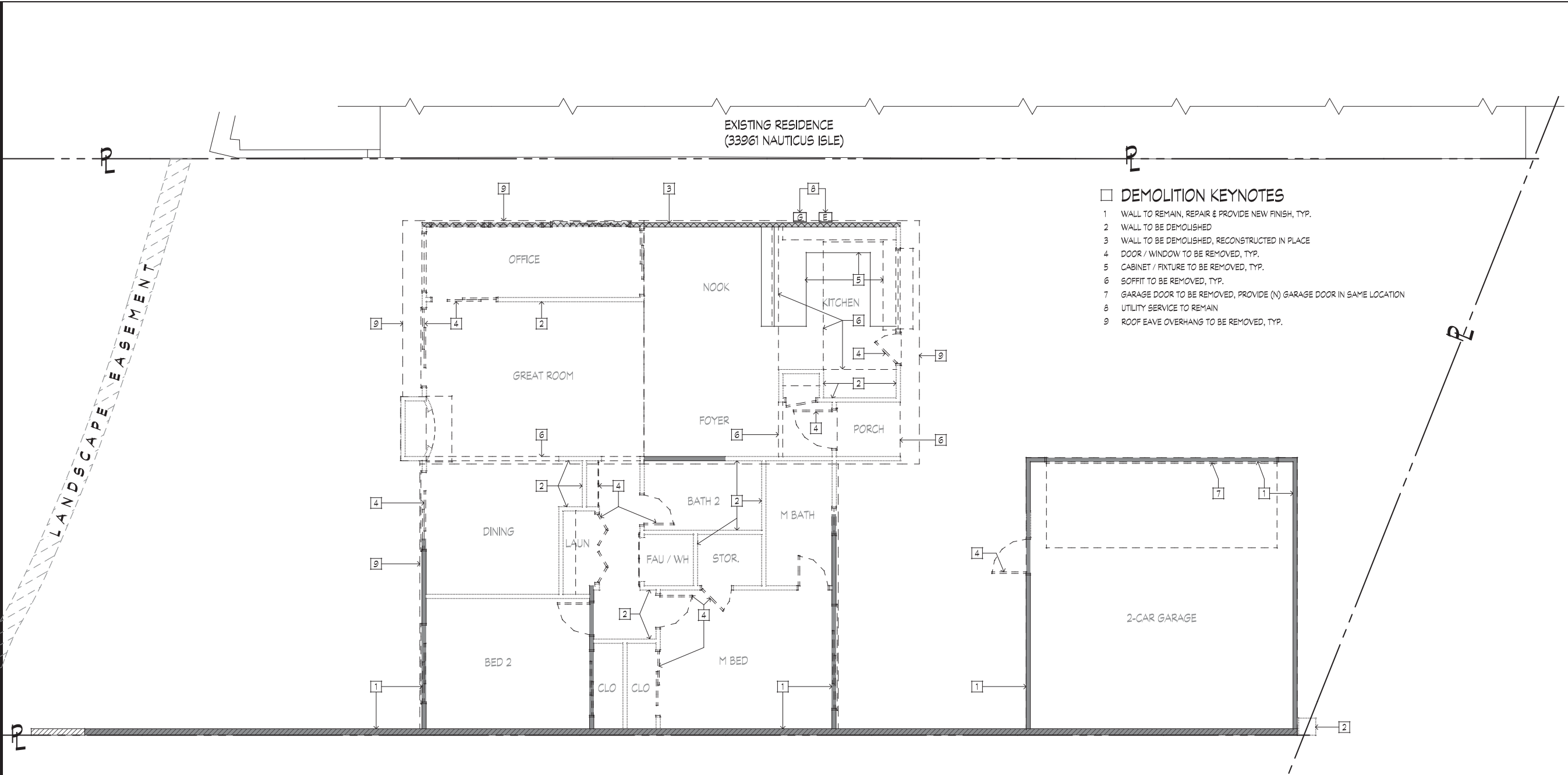
DATE OF THIS PLOT: 6/7/2021



COURT ELEVATIONS
& BUILDING SECTIONS

SHEET NUMBER

7



DEMOLITION KEYNOTES

- 1 WALL TO REMAIN, REPAIR & PROVIDE NEW FINISH, TYP.
- 2 WALL TO BE DEMOLISHED
- 3 WALL TO BE DEMOLISHED, RECONSTRUCTED IN PLACE
- 4 DOOR / WINDOW TO BE REMOVED, TYP.
- 5 CABINET / FIXTURE TO BE REMOVED, TYP.
- 6 SOFFIT TO BE REMOVED, TYP.
- 7 GARAGE DOOR TO BE REMOVED, PROVIDE (N) GARAGE DOOR IN SAME LOCATION
- 8 UTILITY SERVICE TO REMAIN
- 9 ROOF EAVE OVERHANG TO BE REMOVED, TYP.

EXISTING TO REMAIN / DEMOLITION PLAN

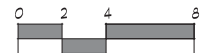
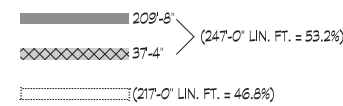
LEGEND

(TOTAL LENGTH OF ALL EXISTING WALLS = 464')

WALLS TO REMAIN

WALL TO BE DEMOLISHED / RECONSTRUCTED IN PLACE

WALL TO BE DEMOLISHED



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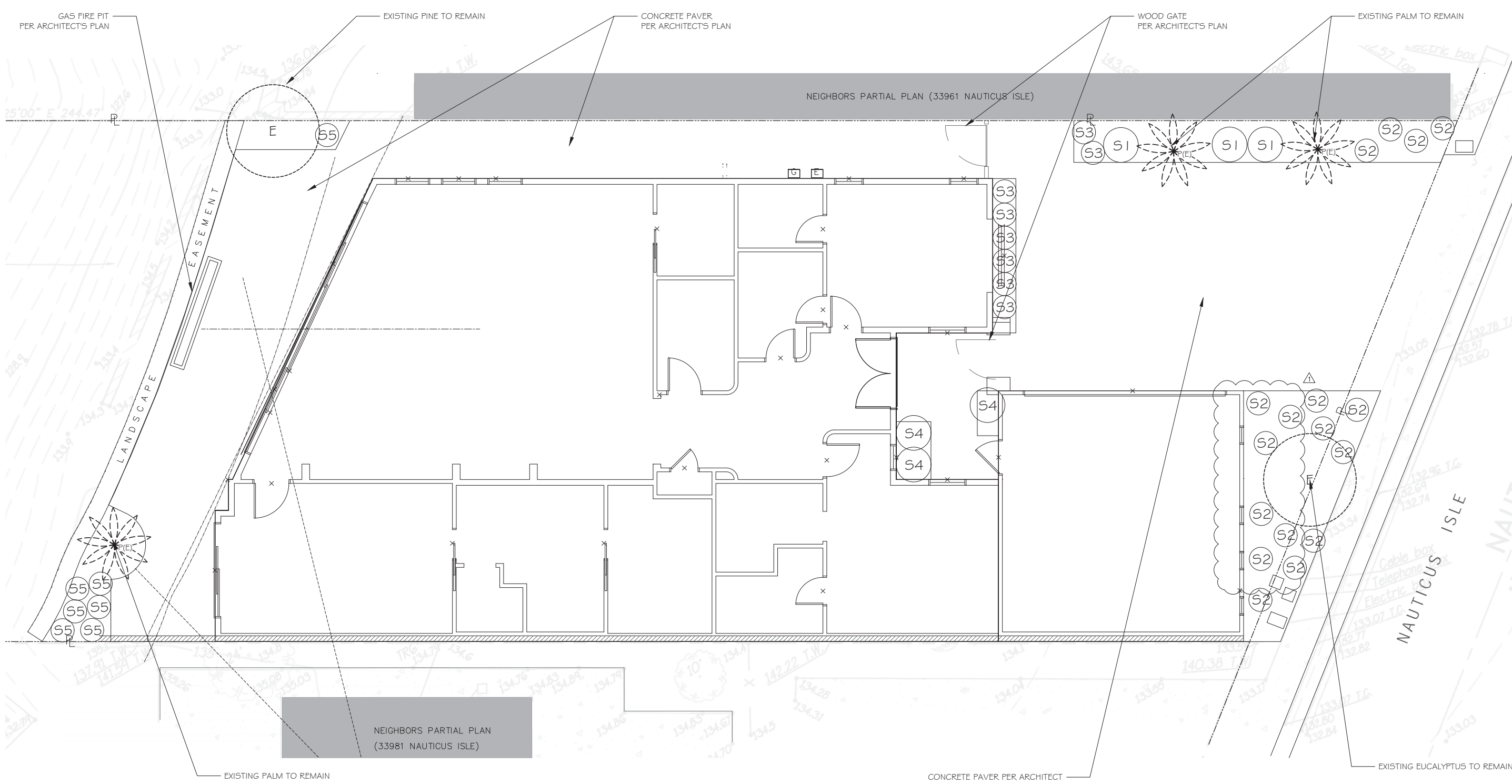
Lot 11, Tract 7573
DATE OF THIS PLOT: 6/10/2021



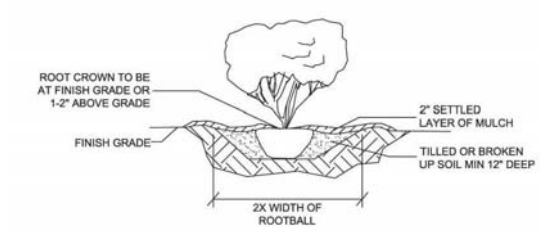
EXISTING TO
REMAIN / DEMOLITION
PLAN

SHEET NUMBER

8



TYPICAL SHRUB PLANTING

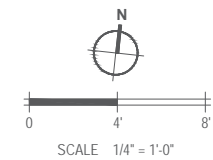


GENERAL LANDSCAPE NOTES:

1. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERSTRUCTURE UTILITIES, PIPES, AND STRUCTURAL CONDITIONS. LANDSCAPE CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY COST INCURRED DUE TO DAMAGE OF SAID UTILITIES.
2. LANDSCAPE CONTRACTOR SHALL NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED, WHEN IT IS OBVIOUS THAT UNKNOWN OBSTRUCTIONS EXIST THAT MAY NOT HAVE BEEN KNOWN DURING DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. THE LANDSCAPE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
3. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH OTHER SUBCONTRACTORS, AS REQUIRED, TO ACCOMPLISH IRRIGATION AND PLANTING OPERATIONS. LANDSCAPE CONTRACTOR SHALL COORDINATE WITH GENERAL CONTRACTOR FOR ALL NECESSARY SLEEVING AND CONDUITS.
4. SEE DETAILS AND SPECIFICATIONS FOR PLANTING REQUIREMENTS, MATERIALS AND EXECUTION.
5. ALL PLANTING MATERIAL SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. SPECIMEN TREES ARE TO BE TAGGED BY THE LANDSCAPE ARCHITECT.
6. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH OTHER SUBCONTRACTORS, AS REQUIRED, TO ACCOMPLISH IRRIGATION AND PLANTING OPERATIONS. LANDSCAPE CONTRACTOR SHALL COORDINATE WITH GENERAL CONTRACTOR FOR ALL NECESSARY SLEEVING AND CONDUITS.
7. TREES AND SHRUBS LOCATIONS SHOWN ON LANDSCAPE PLAN ARE APPROXIMATE AND SHALL BE ADJUSTED, AS DIRECTED BY THE LANDSCAPE ARCHITECT.

PLANT LIST

	BOTANICAL NAME	COMMON NAME	SIZE	WATER NEEDS	MATURE HEIGHT	MATURE WIDTH
SHRUBS						
S1	Calliandra haematocephala	Red Powder Puff	5 gal.	M	3'-6'	2'-3'
S2	Pelargonium interspecific hybrid Callope® Medium Series	Callope® Medium Geranium	5 gal.	M	14'-16"	24"
S3	x Angyranthemum 'Dark Pink'	Grandaisy Dark Pink Marguerite Daisy	5 gal.	M	2'	2'
S4	Hydrangea serrata	Mountain Hydrangea	5 gal.	M	2'-4'	2'-4'
S5	Bougainvillea x 'Koiro' PP#23,272	Sunvillea Rose Dwarf Bougainvillea	5 gal.	L	2'-3'	2'



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LORRAINE & TONY AFFUSO RESIDENCE
33971 Nauticus Isle, Dana Point, CA 92629
Lot 11, Tract 7573, Niguel Shores Community Association

Revisions

△ 06 / 06 / 2021

Title

LANDSCAPE
PLAN

NOT FOR CONSTRUCTION

Drawn by
T.O.

Date
04 / 28 / 2021

Sheet

L-1

